IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 15411 of 1994

Between:
Surender Mohan, S/o. Tayar Rao
H.A.L. R/o. M.I.G. 254 K.P.H.B.,
Kukatpally, Hyderabad.

..... PETITIONER

AND

1 The Bhagyangar Co-operative Housing Society Ltd, Kukatpally, Hyderabad, having its Office at Plot No. 32 Upp. K.P.H.B. Colony, Kukatpally, rep. by its Secretary, Sri K. Krishna Rao
2 The Divisional Co-Operative Officer (West) Near New M.L.A. Quarters, Basheerbagh, Hyderabad.
3 Municipal Commissioner, Kukatpally Municipality, Kukatpally, Hyderabad
4 Chairman, HUDA Maitrivanam, Ameerpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Mandamus directing the 1st Respondent herein to refrain from constructing septic tank in plot No.77 in S.No. 172 of Kukatpally, Rangareddy District and further directing the respondents 2 to 4 to demolish the septic tank already constructed on the road right in front of the plot Nos.75 and 76 in the same Survey Number belonging to the petitioner herein by declaring the proposed action of the 1st respondent and the inaction of the Respondents 2 to 4 as illegal and unconstitutional.

Counsel for the Petitioner:MR.T.BALI REDDY

Counsel for the Respondents 1 and 2: GP For Municipal Admn. &. Urban Development.

Counsel for the Respondent No.3: Mr. R.Thimma Reddy, Standing Counsel for Municipalities (Telangana Area).

Counsel for the Respondent No.4: Mr. Ganta Rama Rao, Standing Counsel for HUDA

The Court Made the Following :

ORDER:

The petitioner herein is a resident of Kukatpally Housing Board Colony. His grievance is that third respondent has permitted the construction of septic tank by first respondent in the middle of the road. He therefore seeks a direction to respondents to restrain the construction of septic tank.

After receiving notice counter separate affidavits are filed by respondents 3 and 4. In the counter affidavit third respondent stated that laying of underground drainage system is being taken up in the area, and septic tank constructed by first respondent in the thoroughfare will be removed in due course of time.

In that view of the matter, this Writ Petition is disposed of directing the third respondent to remove the septic tank near Plot Nos.76 and 77 in S.No.172 of Kukatpally, expeditiously within a period of six months from today.

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(V.V.S.RAO, J)

28.6.2004
bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.The Secretary, Bhagyanagar Cooperative Housing Society Ltd.,
Plot No.32, Upp. K.P.H.B.Colony, Kukatpally.
2.The Divisional Cooperative Officer (West)
Near, New MLA Quarters, Basheerbagh,
Hyderabad.

3.The Commissioner, Kukatpally Municipality, Kukatpally,
Hyderabad.
4.The Chairman, HUDA Maitrivanam, Ameerpet, Hyderabad.
5.2 CCs to Government Pleader for Municipal Administration
6.Sri R.Thimma Reddy, Standing Counsel for Municipalities
(Telangana Area)
7.Sri Ganta Rama Rao, Standing Counsel for HUDA.

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